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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR FOOD SAFETY, et al.,

Plaintiffs,

No. C 10-4038 JSW

v.

THOMAS J. VILSACK, et al.,

Defendants.

**ORDER SETTING BRIEFING
SCHEDULE REGARDING
MOTION FOR TEMPORARY
RESTRANING ORDER**

On February 7, 2011, Plaintiffs filed a motion for leave to amend the complaint in this action. The Court issued an order setting a briefing schedule on the motion for leave to amend, directing the parties to address question whether the Court has jurisdiction to permit amendment of the complaint pending the preliminary injunction appeal before the Ninth Circuit.

On February 11, 2011, Plaintiffs filed a [second] motion for temporary restraining order (“TRO”) and preliminary injunction. Plaintiffs’ motion for TRO does not address the question whether the Court has jurisdiction to issue a TRO during the pendency of the appeal. Until the Court is satisfied that it has such jurisdiction, no relief will be granted.

In order to avoid possible prejudice by further delay, the Court HEREBY ORDERS that any opposition to the motion for TRO shall be filed by no later than 4:00 p.m., February 15, 2011. Plaintiffs may file a reply by no later than 12:00 noon, February 17, 2011. The parties shall address the merits of Plaintiffs’ motion for TRO and the question whether the Court has jurisdiction to grant relief pending appeal of the preliminary injunction.

1 If the Court determines that oral argument is necessary to decide the matter, it will issue
2 notice of a hearing date. If the parties wish to modify this schedule, they may submit for the
3 Court's consideration a stipulation and proposed order demonstrating good cause for any
4 modification requested.

5 **IT IS SO ORDERED.**

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7 Dated: February 11, 2011

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14 JEFFREY S. WHITE
15 UNITED STATES DISTRICT JUDGE